

OPINION  
55-117

July 6, 1955 (OPINION)

STATE VETERINARIAN BOARD

RE: Licensing of Markets

This is in reply to your letter of June 28, 1955, requesting our opinion in regard to licensing of markets and market establishments by federal or state inspection methods. The question is: "Does your board have a right to give such marketing and manufacturing establishments a state license merely on their statement that they are selling federally inspected meats without any inspection of their place under the provisions of chapter 36-23 of the Supplement to the Revised Code of 1943."

We would like to first call your attention to the last sentence of section 36-2305 of the 1953 Supplement to the effect that no establishment subject to the provisions of this act may sell or deliver meat or meat products without a license issued under this act. This being the only requirement we find requiring license under the act, it is our opinion that persons exempt from the provisions of the act under 36-2304 are not subject to the act, and so are not required to be licensed. However, if any such place of business desires the assurance that his place of business if being operated in accordance with the laws of this state, it is our opinion that your board would not be justified in issuing such license without the same inspection procedure as is used in nonexempt places of business.

LESLIE R. BURGUM  
Attorney General